

## AGENDA RESERVATION REQUEST

### CITY OF FRANKLIN COMMON COUNCIL

Please type or print

<b>Date Submitted:</b>	January 9, 2024	<b>Meeting Date:</b>	January 17, 2024
<b>Contact Information:</b>			
<b>Requested by:</b>	Joanna Tennell, Senior Planner		
<b>On Behalf of Organization or Individual:</b> City of Franklin			
<b>Telephone:</b>	317-736-3631		
<b>Email address:</b>	jtennell@franklin.in.gov		
<b>Mailing Address:</b>	70 E. Monroe St., Franklin, IN 46131		
<b>Describe Request:</b>			
Approval of Ordinance 2023-16: Annexation to be known as DPW 4.5 ac. Annexation (Official Action)			
<b>List Supporting Documentation Provided:</b>			
1. City Council memo			
2. Plan Commission Staff Report (PC-23-23)			
3. Ordinance 2023-16			
4.			
5.			
6.			
<b>Who will present the request?</b>			
<b>Name:</b>	Joanna Tennell	<b>Telephone:</b>	(317) 736-3631

*The Franklin City Council meets on the 1st and 3rd Monday of each month at 6:00 p.m. in the Council Chambers of City Hall located at 70 E. Monroe Street. In order for an individual and/or agency to be considered for new business on the agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 12:00 p.m. on the Wednesday before the meeting.*



## CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › [www.franklin.in.gov/planning](http://www.franklin.in.gov/planning)

### City Council - Memorandum

**To:** City Council Members  
**CC:** Steve Barnett, Mayor and Jayne Rhoades, Clerk-Treasurer  
**From:** Joanna Tennell, Senior Planner  
**Date:** November 29, 2023  
**Re:** **DPW 4.5 ac. Annexation (Ordinance 2023-16)**

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On November 21, 2023 the Franklin Plan Commission forwarded to the City Council a favorable recommendation on the above referenced annexation petition from City of Franklin (Plan Commission Resolution #2023-23). The Plan Commission voted 6-0 for a favorable recommendation to be forwarded.

The petitioner is requesting that approximately 4.5 acres located at 800 S. State Street be annexed into the City of Franklin. The attached staff report prepared for the Plan Commission meeting further describes this request.

The petition was properly advertised for the Plan Commission meeting. A copy of the annexation ordinance is included. A copy of the fiscal plan and resolution adopting the fiscal plan accompany the ordinance. The proposed timeline for the petition is as follows:

Introduction:	December 4, 2023
Public Hearing:	December 18, 2023 (Fiscal Plan adopted after annexation public hearing.)
Action Taken:	January 2, 2024

If you have any questions regarding this petition please feel free to contact me directly at 736-3631.



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# Plan Commission Staff Report

**To:** Plan Commission Members

**From:** Joanna Tennell, Senior Planner

**Date:** November 16, 2023

**Re:** Case PC-23-23 (A) & PC-23-24 (R): DPW Annexation & Rezoning (4.5 acres)

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### REQUEST:

**Case PC-23-23 (A) & PC-23-24 (R)...DPW Annexation & Rezoning (4.5 acres).** A request by City of Franklin to annex and rezone approximately 4.5 acres at 800 S. State Street from Johnson County R-1, Residential to Institutional (IN). The property is located at 800 S. State Street.

### ADJACENT PROPERTIES:

#### Surrounding Zoning:

North: Johnson County R-1  
South: RSN  
East: RSN  
West: IN & PUD

#### Surrounding Land Use:

North: Single-family residential  
South: Single-family residential (Wilson Overlook)  
East: Single-family residential (Wilson Overlook)  
West: City of Franklin DPW & Compass Park

### PROPOSED ZONING:

The “IN”, Institutional zoning district is intended to provide locations for large-scale public facilities, educational facilities, religious centers, and other institutions. This district is further intended to provide a set of setbacks and other standards that are responsive to the unique scale and other considerations common to these types of uses. This district is further intended to reduce land use conflicts and ensure that institutions are appropriately integrated into the community.

### CONSIDERATIONS:

1. The City of Franklin requests that the 4.5 acre parcel at 800 S. State Street be annexed and rezoned.
2. The property was acquired from K & L Grain Inc. in January of 1991 and previously was located in the City of Franklin’s zoning jurisdiction until January of this year.
3. As of January 1, 2023, the extraterritorial zoning jurisdiction (Buffer Zone) of the City of Franklin has been relinquished back to Johnson County and is currently under their zoning jurisdiction. The county has zoned this property R-1, Residential.
4. As the property is owned by the City, is immediately adjacent to the Department of Public Works and is used for city purposes, it should be located within the City’s jurisdiction.

5. Indiana Code requirements (IC 36-4-3-5) for voluntary annexation are:
  - a. Consent of 51% of the property owners or owners of 75% of the total assessed value of the land for property tax purposes.
  - b. At least one-eighth (1/8 or 12.5%) of the aggregate external boundary of the proposed annexation area must be contiguous with the existing city limits. A strip of land less than one hundred fifty (150) feet wide is not considered contiguous. (IC 36-4-3-1.5)
6. The proposed annexation area is 51.8% contiguous to the City of Franklin and 100% of the property owners are parties to the petition.
7. The proposed annexation is located within the Needham Fire Protection District (est. 3-19-90 by Ord. 1990-5). IC 36-4-3-7 outlines the effectiveness of an annexation within a fire protection district. Effective date of annexation would be the second January 1 that follows the date the ordinance is adopted.
  - a. The earliest the ordinance can be adopted by the City Council is in January of 2024. Therefore, the effective date would be January of 2026.
8. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Large-Lot Suburban Residential. "Large-lot suburban residential areas are intended to include primarily single family detached residences. Other uses in large-lot suburban neighborhoods may include neighborhood and community parks and neighborhood-scale churches and schools. These neighborhoods are distinguished from small-lot suburban residential areas by their comparatively larger lot size and setbacks and lower density. A diversity of home sizes and designs is encouraged in these areas. Also encouraged is the occasional incorporation of accessory residences. In all cases, the design features of each home should provide materials, a scale, and other design elements that promote consistency in the neighborhood."
9. The 2013 Comprehensive Plan set five Infrastructure & Utilities Goals:
  - a. Goal 2 is as follows: "Make regular updates to wastewater collection and treatment systems to address needs and plans for growth."
  - b. Goal 4 is as follows: "Strategically expand wastewater system to accommodate employer site growth."
  - c. Goal 5 is as follows: "Strategically plan to make infrastructure improvements in the most cost effective manner."

#### **PC-23-23 (A): DPW ANNEXATION**

##### **PLAN COMMISSION ACTION – ANNEXATION :**

Plan Commission action (either *favorable*, *unfavorable*, or *no recommendation*) is a recommendation to the City Council, which takes action on the annexation petition.

##### **STAFF RECOMMENDATION – ANNEXATION:**

Staff recommends a *favorable recommendation* be forwarded to the City Council.

## **PC-23-24 (R): DPW REZONING**

### **CRITERIA FOR DECISIONS – REZONING:**

In taking action on rezoning requests, the Plan Commission shall pay reasonable regard to the decision criteria outlined in Article 11.6 (I) of the City of Franklin Zoning Ordinance.

1. ***Comprehensive Plan: The City of Franklin Comprehensive Plan and any other applicable, adopted planning studies or reports.***

#### **Staff Finding:**

Staff finds that the request is consistent with the Comprehensive Plan. Annexing and rezoning the subject property to IN will allow the city to expand DPW facilities consistent with three of the Infrastructure & Utilities Goals

2. ***Current Conditions: The current conditions and the character of current structures and uses in each district.***

#### **Staff Finding:**

The property is located immediately adjacent to the existing DPW facility and will allow future growth of the facility in a responsible manner.

3. ***Desired Use: The most desirable use for which the land in each district is adapted.***

#### **Staff Finding:**

The property is immediately adjacent to the existing DPW facility and has been owned and used by the City of Franklin for approximately 33 years.

4. ***Property Values: The conservation of property values throughout the City of Franklin's planning jurisdiction.***

#### **Staff Finding:**

The rezoning request should not negatively affect the property values as the use of the property will not change. It is currently an institutional use.

5. ***Responsible Growth: Responsible growth and development.***

#### **Staff Finding:**

The proposed zoning of IN is responsible as the rezoning will bring the property into compliance. Under the current zoning, the use is a legal non-conforming use.

### **PLAN COMMISSION ACTION – REZONING :**

In the rezoning process, the Plan Commission has the authority to review the provisions of the Comprehensive Plan and the Zoning Ordinance. Plan Commission action (either *favorable*, *unfavorable*, or *no recommendation*) is a recommendation to the City Council, which takes action on the rezoning petition.

### **STAFF RECOMMENDATION – REZONING:**

Based on the criteria for decisions above, staff recommends a *Favorable Recommendation* be forwarded to the Franklin City Council.

City of Franklin Common Council

**ORDINANCE # 2023-16**

AN ORDINANCE APPROVING A RESOLUTION  
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION,  
AND ANNEXING CERTAIN PROPERTY CONTIGUOUS TO THE FRANKLIN CORPORATE LIMITS  
(to be known as DPW 4.5 ac. Annexation)

**WHEREAS**, a petition has been filed before the Common Council of the City of Franklin, Indiana, pursuant to IC 36-4-3-5.1, by the owners of certain real estate, requesting that said real estate be annexed by the City of Franklin, Indiana, a description of said property is attached hereto, incorporated herein and marked as Exhibit "A"; and

**WHEREAS**, the City of Franklin, Indiana Plan Commission is an advisory Plan Commission to the City of Franklin, and has by Resolution #2023-23 recommended that the City's Common Council approve the annexation of the real property described in the attachments (a copy of said Resolution, together with attached exhibits, is attached hereto, incorporated herein by reference, and marked "Resolution #2023-23"); and

**WHEREAS**, pursuant to IC 36-7-4-605, Resolution #2023-23 has been certified to City's Common Council; and

**WHEREAS**, it appears that it would be in the best interest of the City of Franklin, Indiana that said real estate described in Exhibit "A" be annexed to and become a part of the City of Franklin, Indiana.

**NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, ORDAINS  
AND ENACTS THE FOLLOWING:**

1. The real estate described in Exhibit "A" is hereby declared annexed to the City of Franklin, Indiana.
2. The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain; and
3. The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed; and
4. If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity will have no effect upon the remaining provisions of this ordinance; and
5. The provisions set forth in this ordinance become and will remain in full force and effect on the second January 1 that follows the date the ordinance is adopted pursuant to Indiana Code; and
6. Said newly annexed territory shall become a part of Council District 4; and
7. The Clerk-Treasurer is hereby directed to advertise this ordinance pursuant to IC 36-4-3-7 and to make the filings as required by IC 36-4-3-22(a).

**INTRODUCED AND FILED** on the 4<sup>th</sup> day of December, 2023.

**PUBLIC HEARING** held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**DULY ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the Common Council of the City of Franklin, Johnson County, Indiana having been passed by a vote of \_\_\_\_\_ in Favor and \_\_\_\_\_ Opposed.

City of Franklin, Indiana, by its Common Council:

**Voting Affirmative:**

\_\_\_\_\_  
Kenneth Austin, President

\_\_\_\_\_  
Anne McGuinness

\_\_\_\_\_  
Irene Nalley

\_\_\_\_\_  
Jennifer Price

\_\_\_\_\_  
Josh Prine

\_\_\_\_\_  
Shawn Taylor

**Voting Opposed:**

\_\_\_\_\_  
Kenneth Austin, President

\_\_\_\_\_  
Anne McGuinness

\_\_\_\_\_  
Irene Nalley

\_\_\_\_\_  
Jennifer Price

\_\_\_\_\_  
Josh Prine

\_\_\_\_\_  
Shawn Taylor

Attest:

\_\_\_\_\_  
City Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, this \_\_\_\_ day of \_\_\_\_\_, 202\_\_ at \_\_\_\_\_ o'clock p.m.

\_\_\_\_\_  
City Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me was [**Approved** by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2)], this \_\_ day of \_\_\_\_\_, 202\_\_ at \_\_\_\_\_ o'clock p.m.

\_\_\_\_\_  
Steve Barnett, Mayor

Attest:

\_\_\_\_\_  
City Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Signed \_\_\_\_\_

*Prepared by:*  
*Joanna Tennell, Senior Planner*  
*Department of Planning & Engineering*  
*70 E. Monroe Street*  
*Franklin, IN 46131*



#### **EXHIBIT "A"**

A part of the east half of the southwest quarter of Section 24, Township 12 North and Range 4 East: Beginning at a point on the west line twenty-one and fifty-seven hundredths (21.57) chains north of the southwest corner; thence east three (3) chains; thence north and parallel with the west line of said quarter to the center of the Madison and Indianapolis State Road; thence north fifty-six and three-fourths ( $56\frac{3}{4}$ ) degrees west with said road, to the west line of said half quarter section; thence south on said line to the place of beginning, containing four and fifty hundredths (4.50) acres.

Including all contiguous areas of public highways and rights-of-way of the public highways which are not already contained within the corporate boundaries of the City of Franklin.



**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2023-23  
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

**NAME OF PETITIONER:**

City of Franklin

**PLAN COMMISSION DOCKET NUMBER:**

PC-23-23

**RESOLUTION**

**WHEREAS**, the City of Franklin, Indiana has received an annexation petition to have the property described in Exhibit "A" annexed into the corporate limits of Franklin, Indiana; and

**WHEREAS**, the petitioner has submitted a statement of reasons for having said property annexed; and

**WHEREAS**, said property meets the condition of being one-eighth contiguous to the present corporate limits; and

**WHEREAS**, the existing and proposed improvements have been submitted and reviewed by the Plan Commission; and

**WHEREAS**, the said improvements are consistent with the 2013 Comprehensive Plan; and

**WHEREAS**, the required Plan of Services (fiscal plan) is being written and shall be submitted to the Franklin Common Council for its adoption; and

**WHEREAS**, a public hearing was held on the 21<sup>st</sup> day of November, 2023 to give the public an opportunity to offer comments on said annexation petition; and

**WHEREAS**, the Franklin City Plan Commission has given due consideration to the future growth and prosperity of the City of Franklin, as well as the health, safety, and general welfare of its residents; and

**WHEREAS**, the Franklin Plan Commission took all of the public comments received at said public hearing under advisement prior to taking any action on said annexation petition.

**NOW THEREFORE BE IT RESOLVED THAT THE FRANKLIN CITY PLAN COMMISSION HEREBY FORWARDS A FAVORABLE RECOMMENDATION TO THE FRANKLIN COMMON COUNCIL THAT:**


1. The property described herein, attached hereto, made part hereof, and marked as Exhibit "A" be approved for annexation to the City of Franklin.
2. On behalf of the secretary, staff of the Plan Commission is hereby directed to forward a copy of this resolution to the Petitioner and the City of Franklin Common Council.
3. This resolution is forwarded to the Common Council of the City of Franklin for further proceedings consistent with the provisions of Indiana Code.

Resolved by the Franklin City Plan Commission this 21<sup>st</sup> day of November, 2023.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA

  
Jim Martin, President

ATTEST:

  
Joe Abban, Secretary

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